

Senate Chamber, Atlanta, Georgia
Friday, February 2, 2007
Fourteenth Legislative Day

The Senate met pursuant to adjournment at 9:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 93. By Representative Maddox of the 172nd:

A BILL to be entitled an Act to provide a new charter for the City of Bainbridge; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a city manager and mayor and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 103. By Representatives Peake of the 137th, Lucas of the 139th, Randall of the 138th, Freeman of the 140th, Cole of the 125th and others:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Macon, Georgia," approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, so as to provide for the number of city council members; to provide for council members currently serving; to provide for the appointment of a mayor pro tempore; to provide for elections; to provide for the submission of this Act to the United States Department of Justice; to repeal conflicting laws; and for other purposes.

HB 190. By Representative Royal of the 171st:

A BILL to be entitled an Act to amend an Act creating the State Court of Mitchell County (formerly the City Court of Camilla), approved August 17, 1905 (Ga. L. 1905, p. 184), as amended, so as to provide that the judge shall be a full-time judge for said court; to provide for qualifications of the judge; to change the provisions relating to the compensation of the judge; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 206. By Representative Shaw of the 176th:

A BILL to be entitled an Act to provide that the judge of the Probate Court of Clinch County shall also serve as the chief magistrate of the Magistrate Court of Clinch County on and after January 1, 2009; to provide for the compensation of such judge for service as chief magistrate; to provide for the continuation in office and expiration of term of the current chief magistrate; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 21. By Representatives Dickson of the 6th, Meadows of the 5th, Williams of the 4th and Forster of the 3rd:

A RESOLUTION honoring the services of Mr. Elbert Shaw, Jr., of Dalton, Georgia, and designating the Dalton Regional Youth Detention Center as the Elbert Shaw, Jr. Regional Youth Detention Center; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

- SB 99. By Senators Grant of the 25th, Stoner of the 6th, Unterman of the 45th and Henson of the 41st:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages by public carriers and nonprofit organizations, so as to provide for the permitting of limousine carriers to sell alcoholic beverages; to provide for annual applications and fees; to provide for certificates for each vehicle authorized; to provide that an annual permit does not authorize wholesale purchase of alcoholic beverages by limousine carriers or the purchase or sale of an alcoholic beverage in a location where such sale is unlawful; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

- SB 100. By Senators Pearson of the 51st, Rogers of the 21st, Hawkins of the 49th, Schaefer of the 50th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Code Section 16-9-4 of the Official Code of Georgia Annotated, relating to the crime of knowingly manufacturing, selling, or distributing false identification documents, so as to increase certain penalties; to provide for exceptions for persons over 21 years of age; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 101. By Senators Tolleson of the 20th, Whitehead, Sr. of the 24th, Hooks of the 14th, Meyer von Bremen of the 12th, Hill of the 4th and others:

A BILL to be entitled an Act to amend Code Section 41-1-7 of the Official Code of Georgia Annotated, relating to treatment of agricultural facilities and operations and forest land use as not being nuisances under certain conditions, so as to redefine a term; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

- SB 102. By Senators Balfour of the 9th, Unterman of the 45th, Rogers of the 21st, Williams of the 19th and Henson of the 41st:

A BILL to be entitled an Act to amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to licensure and regulation of chiropractors, so as to define and redefine certain terms; to change provisions

relative to the scope of practice of chiropractors; to change the criminal penalties for unlicensed practice of chiropractic; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SR 139. By Senators Hill of the 32nd, Heath of the 31st, Rogers of the 21st and Hudgens of the 47th:

A RESOLUTION urging the Congress of the United States to raise the allowable deduction for health savings accounts, to allow certain older citizens to contribute additional amounts, and to make all health insurance premiums pre-tax; and for other purposes.

Referred to the Insurance and Labor Committee.

SR 140. By Senators Hill of the 32nd, Heath of the 31st, Rogers of the 21st and Hudgens of the 47th:

A RESOLUTION urging the Congress of the United States to enact legislation that would amend the Medicare program so as to authorize the use of private individual medical accounts to assist individuals in saving the resources necessary to pay for their health care needs in retirement; and for other purposes.

Referred to the Insurance and Labor Committee.

The following House legislation was read the first time and referred to committee:

HB 93. By Representative Maddox of the 172nd:

A BILL to be entitled an Act to provide a new charter for the City of Bainbridge; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a city manager and mayor and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for

definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 103. By Representatives Peake of the 137th, Lucas of the 139th, Randall of the 138th, Freeman of the 140th, Cole of the 125th and others:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Macon, Georgia," approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, so as to provide for the number of city council members; to provide for council members currently serving; to provide for the appointment of a mayor pro tempore; to provide for elections; to provide for the submission of this Act to the United States Department of Justice; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 190. By Representative Royal of the 171st:

A BILL to be entitled an Act to amend an Act creating the State Court of Mitchell County (formerly the City Court of Camilla), approved August 17, 1905 (Ga. L. 1905, p. 184), as amended, so as to provide that the judge shall be a full-time judge for said court; to provide for qualifications of the judge; to change the provisions relating to the compensation of the judge; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 206. By Representative Shaw of the 176th:

A BILL to be entitled an Act to provide that the judge of the Probate Court of Clinch County shall also serve as the chief magistrate of the Magistrate Court of Clinch County on and after January 1, 2009; to provide for the compensation of such judge for service as chief magistrate; to provide for the continuation in office and expiration of term of the current chief magistrate; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HR 21. By Representatives Dickson of the 6th, Meadows of the 5th, Williams of the 4th and Forster of the 3rd:

A RESOLUTION honoring the services of Mr. Elbert Shaw, Jr., of Dalton, Georgia, and designating the Dalton Regional Youth Detention Center as the Elbert Shaw, Jr. Regional Youth Detention Center; and for other purposes.

Referred to the State Institutions and Property Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Ethics Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 40 Do Pass by substitute
SB 71 Do Pass as amended

Respectfully submitted,
Senator Unterman of the 45th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 17 Do Pass by substitute
SB 61 Do Pass by substitute
SR 87 Do Pass

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 1 Do Pass by substitute
SB 34 Do Pass
SB 54 Do Pass

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 5	Do Pass by substitute	SB 48	Do Pass by substitute
SB 25	Do Pass by substitute	SB 62	Do Pass
SB 38	Do Pass by substitute		

Respectfully submitted,
Senator Whitehead of the 24th District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 98 Do Pass by substitute

Respectfully submitted,
Senator Balfour of the 9th District, Chairman

The following legislation was read the second time:

SB 32 SB 76 SB 82 SB 83

Senator Hudgens of the 47th asked unanimous consent that Senator Goggans of the 7th be excused. The consent was granted, and Senator Goggans was excused.

Senator Henson of the 41st asked unanimous consent that Senator Ramsey of the 43rd be excused. The consent was granted, and Senator Ramsey was excused.

Senator Tarver of the 22nd asked unanimous consent that Senator Powell of the 23rd be excused. The consent was granted, and Senator Powell was excused.

Senator Seay of the 34th asked unanimous consent that Senator Reed of the 35th be excused. The consent was granted, and Senator Reed was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

Senator Seabaugh of the 28th asked unanimous consent that Senator Shafer of the 48th be excused. The consent was granted, and Senator Shafer was excused.

Senator Orrock of the 36th asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Seay
Brown	Hill,Jack	Smith
Bulloch	Hill,Judson	Staton
Butler	Hooks	Stoner
Carter	Hudgens	Tarver
Chance	Johnson	Tate
Chapman	Jones	Thomas,D
Cowsert	Me V Bremen	Thomas,R
Davenport	Moody	Thompson,C
Douglas	Mullis	Tolleson
Golden	Murphy	Unterman
Grant	Orrock	Weber
Hamrick	Pearson	Whitehead
Harp	Rogers	Wiles
Hawkins	Schaefer	Williams
Heath	Seabaugh	

Not answering were Senators:

Balfour	Fort	Goggans (Excused)
Harbison (Excused)	Powell (Excused)	Ramsey (Excused)
Reed (Excused)	Shafer (Excused)	Thompson, S (Excused)

The following members were off the floor of the Senate when the roll was called and wish to be recorded as present:

Senators: Fort Reed

The members pledged allegiance to the flag.

Senator Seay of the 34th introduced the chaplain of the day, Dr. James Allen Milner, Jr. of Atlanta, Georgia, who offered scripture reading and prayer.

Senator Chance of the 16th introduced the doctor of the day, Dr. Joseph G. Saulsbury II.

Senator Pearson of the 51st introduced former Commissioner of the Georgia Department of Economic Development, Mr. Craig Lesser, commended by SR 101, adopted previously. Craig Lesser addressed the Senate briefly.

The following resolutions were read and adopted:

SR 137. By Senator Mullis of the 53rd:

A RESOLUTION commending Tiffany Devine on her selection by the Georgia Art Education Association for LaFayette Middle School 8th grade; and for other purposes.

SR 138. By Senator Mullis of the 53rd:

A RESOLUTION recognizing and commending pages Elizabeth Lockhart, Stephanie Lockhart, and Angela Tyson; and for other purposes.

SR 141. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Becky Morlan, the 2008 Maxwell Elementary School Teacher of the Year; and for other purposes.

SR 142. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Beth Newsome, the 2008 Thomson Middle School Teacher of the Year; and for other purposes.

SR 143. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Christa Arrington, the 2008 Dearing Elementary School Teacher of the Year; and for other purposes.

SR 144. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Tonya Powell, the 2008 Norris Elementary School Teacher of the Year; and for other purposes.

SR 145. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Robin Dudley, the 2008 Thomson High School Teacher of the Year; and for other purposes.

SR 146. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Sherika Warthen, the 2008 Crossroads Alternative School Teacher of the Year; and for other purposes

SR 147. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Robin Dudley, the 2008 McDuffie County Teacher of the Year; and for other purposes.

SR 148. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Coach Larry Campbell, Head Coach of the Lincoln County High School football team; and for other purposes.

SR 149. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending Kimberly Hunter, the 2008 Thomson Elementary School Teacher of the Year; and for other purposes.

SR 150. By Senator Whitehead, Sr. of the 24th:

A RESOLUTION commending the firefighters of Georgia and observing the 35th annual Firefighters' Recognition Day; and for other purposes.

SR 151. By Senator Grant of the 25th:

A RESOLUTION commending the class of Youth Leadership Baldwin 2007; and for other purposes.

SR 152. By Senator Hawkins of the 49th:

A RESOLUTION recognizing February 8, 2007, as "Gainesville-Hall County Day"; and for other purposes.

SR 153. By Senators Murphy of the 27th, Pearson of the 51st and Moody of the 56th:

A RESOLUTION commending Mrs. Paula H. Gault for her years of service to the Forsyth County School System and congratulating her upon her retirement; and for other purposes.

Senator Mullis of the 53rd introduced Senate Pages Elizabeth Lockhart, Stephanie Lockhart and Angela Tyson, commended by SR 138, adopted previously.

SENATE RULES CALENDAR
FRIDAY, FEBRUARY 2, 2007
FOURTEENTH LEGISLATIVE DAY

- SB 44 Georgia Fire Officer Development Act; fire officer development training; definitions (Amendment)(PS&HS-53rd)
- SB 45 Chronic Kidney Disease Task Force; establishment; develop a plan for education; membership; duties/responsibilities (Substitute)(H&HS-45th)
- SR 68 William H. "Sonny Boy" Skipper Maintenance Headquarters; dedicate (SI&P-19th)
- SB 68 Career Academies Act; disbursement of funds by the State Board of Technical and Adult Education; charter schools (ED&Y-40th)
- SB 39 Charter Systems Act; establishment of charter schools; revise/add definitions; Charter Advisory Committee (Substitute)(ED&Y-40th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

- SB 44. By Senators Mullis of the 53rd, Tolleson of the 20th, Whitehead, Sr. of the 24th, Thomas of the 2nd, Smith of the 52nd and others:

A BILL to be entitled an Act to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to provide a short title; to provide definitions; to provide for the Georgia Firefighter Standards and Training Council to develop and offer fire officer development training through the Georgia Fire Academy; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Public Safety and Homeland Security Committee offered the following amendment:

Amend SB 44 by inserting the following immediately before "to repeal" on line 4 of page 1:

to provide an effective date;

By inserting the following between lines 21 and 22 of page 3:

This Act shall become effective on July 1, 2007.

SECTION 6.

On the adoption of the amendment, the yeas were 41, nays 0, and the committee amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
E Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 54, nays 0.

SB 44, having received the requisite constitutional majority, was passed as amended.

Senator Lee Hawkins
District 49
304-A Coverdell Legislative Office Building
Atlanta, GA 30334

Committees:

Reapportionment and Redistricting
Agriculture and Consumer Affairs
Health and Human Services
Natural Resources and the Environment
State and Local Governmental Operations

The State Senate
Atlanta, Georgia 30334

2/2/07

I was in the hall and missed the vote on SB 44. Please record me as a yes vote on SB 44.

/s/ Lee Hawkins
District 49

SB 45. By Senators Thomas of the 54th, Unterman of the 45th, Mullis of the 53rd, Harbison of the 15th, Tate of the 38th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for the establishment of a task force to develop a plan for education on chronic kidney disease; to provide for membership and appointment of members to the task force; to provide for duties and responsibilities; to provide for reports and recommendations from such task force; to provide for related matters; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

The Senate Health and Human Services Committee offered the following substitute to SB 45:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, so as to provide for the establishment of a task force to develop a plan for education on chronic kidney disease; to provide for membership and appointment of members to the task force; to provide for duties and responsibilities; to provide for reports and recommendations from such task force; to provide for related matters; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department of Human Resources, is amended by adding a new Code section as follows:

"31-2-10.

(a) There is created within the Division of Public Health of the Department of Human Resources the Chronic Kidney Disease Task Force. The task force shall be composed of 23 members appointed as provided in this Code section who shall serve without compensation except for actual expenses incurred for travel on the official business of the task force. Vacancies in the task force shall be filled by appointment in the manner of the original appointment.

(b) The commissioner of human resources, or his or her designee, shall be one member of the task force and shall serve as the chairperson. The Speaker of the House of Representatives shall appoint two members. The President of the Senate shall appoint two members. The director of the Division of Public Health of the Department of Human Resources shall appoint two members. The commissioner of community health shall appoint two members. The Governor shall appoint an additional 14 members of the task force as follows:

(1) Two Georgia nephrologists;

(2) A citizen of Georgia who has been diagnosed with chronic kidney disease;

(3) A person who works for one of the major voluntary health organizations in Georgia which seeks to prevent kidney disease;

(4) A representative from the Georgia Association of Kidney Patients, Inc.;

(5) A representative from each of the four medical schools in Georgia;

(6) A registered nurse who specializes in nephrology;

(7) A licensed social worker who specializes in nephrology;

(8) A renal nutritionist who is a licensed dietitian;

(9) A dialysis technician; and

(10) A nephrology technician who represents clinical laboratories.

(c) The chairperson shall convene the first meeting of the task force before July 31, 2007.

(d) The task force shall have the following duties and responsibilities:

(1) To develop a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease and its complications based on the Kidney Disease Outcomes Quality Initiative Clinical Practice Guidelines or other medically recognized clinical practice guidelines;

(2) To develop a plan to educate health care professionals about early kidney replacement therapy education for patients, including in-center dialysis, home hemodialysis, peritoneal dialysis, and vascular access options and transplantation, prior to the onset of kidney failure;

- (3) To make recommendations on the implementation of a cost-effective plan for early screening, diagnosis, and treatment of chronic kidney disease and its complications for the State's population;
- (4) To make recommendations on the implementation of a disease management program specific for chronic kidney disease and end state renal disease;
- (5) To provide a report of its findings and recommendations to the General Assembly, the Governor, and the chairpersons of the Senate and House of Representatives Health and Human Services Committees no later than December 31, 2007; and
- (6) To perform such other activities as the task force finds necessary or convenient in order to accomplish its purposes under this Code section.
- (e) The Department of Human Resources shall provide to the task force necessary staff, research, and meeting facilities.
- (f) The task force shall complete its work no later than December 31, 2007, and shall stand abolished on January 1, 2008. This Code section shall be repealed by operation of law on January 1, 2008."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 45, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowser	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
E Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber

Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 55, nays 0.

SB 45, having received the requisite constitutional majority, was passed by substitute.

SR 68. By Senator Williams of the 19th:

A RESOLUTION to dedicate the William H. "Sonny Boy" Skipper Maintenance Headquarters; and for other purposes.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
N Fort	Y Murphy	Y Thompson,S
E Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the adoption of the resolution, the yeas were 54, nays 1.

SR 68, having received the requisite constitutional majority, was adopted.

SB 68. By Senators Weber of the 40th, Carter of the 13th, Douglas of the 17th, Moody of the 56th, Thomas of the 54th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to enact the "Career Academies Act of 2007"; to provide for legislative intent; to provide for definitions; to provide for the disbursement of funds by the State Board of Technical and Adult Education for career academies established as charter schools; to provide for a matching requirement; to provide for eligibility criteria; to provide for an annual report; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
N Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
N Fort	Y Murphy	Y Thompson,S
E Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	N Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 52, nays 3.

SB 68, having received the requisite constitutional majority, was passed.

SB 39. By Senators Weber of the 40th, Moody of the 56th, Williams of the 19th, Tarver of the 22nd, Carter of the 13th and others:

A BILL to be entitled an Act to amend Article 31 of Chapter 2 of Title 20 of the O.C.G.A., relating to charter schools, so as to enact the 'Charter Systems Act'; to provide for legislative findings; to provide for the establishment of charter systems; to revise and add definitions; to provide for the establishment of the Charter Advisory Committee; to provide for requirements for petitions for charter systems; to revise certain provisions relating to the approval or denial of a charter petition; to revise certain provisions relating to the review of charters; to provide for terms and renewals of charter systems; to provide for waivers and operating requirements, control, and management for charter systems; to provide for termination of charter systems; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following the following substitute to SB 39:

A BILL TO BE ENTITLED
AN ACT

To amend Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to charter schools, so as to enact the 'Charter Systems Act'; to provide for legislative findings; to provide for the establishment of charter systems; to revise and add definitions; to provide for the establishment of the Charter Advisory Committee; to provide for requirements for petitions for charter systems; to revise certain provisions relating to the approval or denial of a charter petition; to revise certain provisions relating to the review of charters; to provide for terms and renewals of charter systems; to provide for waivers and operating requirements, control, and management for charter systems; to provide for termination of charter systems; to revise certain provisions relative to funding of charter schools; to provide for facilities funds for charter systems; to change certain provisions relative to the Office of Charter School Compliance; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Charter Systems Act."

SECTION 2.

The General Assembly finds that schools and school systems should be given high flexibility to tailor their educational programs to meet the unique needs of their

communities. In furtherance of this, schools and school systems should be encouraged to use innovative educational programs including local management of schools and should be provided resources to help design and implement innovative programs. The General Assembly further finds that schools and school systems shall be held accountable for student achievement.

SECTION 3.

Article 31 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Charter Schools Act of 1998," is amended in Code Section 20-2-2062, relating to definitions, by revising paragraphs (1), (2), (8), and (11), and by inserting new paragraphs (3.1) and (17), as follows:

"(1) 'Charter' means a performance based contract between a local board and a charter petitioner, the terms of which are approved by the local board and by the state board in the case of a local charter school, ~~or~~ between the state board and a charter petitioner, the terms of which are approved by the state board in the case of a state chartered special school, or between a local board and the state board, the terms of which are approved by the state board in the case of a charter system. By entering into a charter, a petitioner and local board shall be deemed to have agreed to be bound to all the provisions of this article as if such terms were set forth in the charter."

"(2) 'Charter petitioner' means a local school, local board of education, private individual, private organization, or state or local public entity that submits a petition for a charter. The term 'charter petitioner' does not include home study programs or schools, sectarian schools, religious schools, private for profit schools, private educational institutions not established, operated, or governed by the State of Georgia, or existing private schools."

"(3.1) 'Charter system' means a local school system that is operating under the terms of a charter pursuant to Code Section 20-2-2063.1."

"(8) 'Local revenue' means local taxes budgeted for school purposes in excess of the local five mill share, combined with any applicable equalization grant and budgeted revenues from any of the following: investment earnings, unrestricted donations, and the sale of surplus property; but exclusive of revenue from bonds issued for capital projects, revenue to pay debt service on such bonds, and local option sales tax for capital projects, ~~and budgeted school food service program costs.~~ Nothing in this paragraph shall be construed to prevent a local board from including a local charter school in projects specified in the ballot language of a local option sales tax or bond referendum."

"(11) 'Petition' means a proposal to establish a charter school or a charter system."

"(17) 'System charter school' means a school within a charter system."

SECTION 4.

Said article is further amended in Code Section 20-2-2063, relating to minimum requirements for charter petitions, by adding a new subsection to the end of such Code section as follows:

"(d) The State Board of Education shall establish rules, regulations, policies, and procedures to provide for a charter petition from a local school system to establish a charter system. Such rules, regulations, policies, and procedures shall require that a charter petition contain an explanation of the structure, rights, and responsibilities of the principal and governing council of the system charter school, with an objective of maximizing school level governance and the involvement of parents, teachers, and community members in such governance. School level governance shall include, but not be limited to, autonomy in personnel decisions, financial decisions, curriculum, resource allocation, and decisions relating to food service, transportation, scheduling, and facilities."

SECTION 5.

Said article is further amended by adding new Code sections as follows:

"20-2-2063.1.

(a) The state board shall establish a Charter Advisory Committee to review charter petitions for compliance with established standards of the state board, to make recommendations to the state board on charter policy, and to provide recommendations to the state board regarding charter petitions. The committee shall be composed of nine members as follows:

- (1) Three members appointed by the chairperson of the state board;
- (2) Three members appointed by the Lieutenant Governor; and
- (3) Three members appointed by the Speaker of the House of Representatives.

All members shall serve at the pleasure of their respective appointing officials. The committee shall elect a chairperson from among its membership.

(b) The committee shall conduct itself in accordance with any rules and guidelines established by the state board with regard to timeframes, procedures, and protocol.

(c) The committee shall be authorized to request clarifying information from a charter petitioner and to receive input from interested parties on a charter petition.

(d) The committee shall:

- (1) Make recommendations to the state board of approval or denial on each charter petition and shall specify the reasons for such recommendations; and
- (2) Periodically make recommendations to the state board regarding charter policy;
- (3) Make recommendations to the state board on the disbursement of planning grants for charter systems, if funds are made available.

(e) The committee shall be authorized to enter into contracts, subject to available funding, with one or more consultants to assist the committee in its duties and if directed to do so by the committee, to do the following:

- (1) Assist charter petitioners in the drafting of their petitions;
- (2) Assist charter petitioners in the design and implementation of innovative education programs and school level governance based on research, model programs, or other credible information;
- (3) Monitor and assist charter schools and charter systems; and
- (4) Perform any other functions related to the support of the committee.

(f) The committee shall work in cooperation with the Office of Charter School

Compliance, as established pursuant to Code Section 20-2-2069.

(g) The members of the committee shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred by them in carrying out their duties.

(h) The committee shall be assigned to the Department of Education for administrative purposes only, as prescribed in Code Section 50-4-3.

20-2-2063.2.

(a) The state board shall be authorized to enter into a charter with a local board to establish a local school system as a charter system.

(b) A local board seeking to create a charter system must submit a petition to the state board. Prior to submitting such petition, the local board shall:

(1) Adopt a resolution approving the proposed charter system petition;

(2) Conduct at least two public hearings and provide notice of the hearings in the same manner as other legal notices of the local board; and

(3) Send a notice to each principal within the local school system of the hearings with instructions that each school shall distribute the notice to faculty and instructional staff members and to the parent or guardian of each student enrolled in the school.

The local board may revise its proposed charter system petition, upon resolution, as a result of testimony at the public hearings or for other purposes.

(c) Prior to approval or denial of a charter petition for a charter system, the state board shall receive and give all due consideration to the recommendation and input from the Charter Advisory Committee established in Code Section 20-2-2063.1. The state board shall approve the charter if the state board finds, after receiving input from the Charter Advisory Committee, that the petition complies with the rules, regulations, policies, and procedures promulgated pursuant to Code Section 20-2-2063 and the provisions of this title, is in the public interest, and promotes school level governance.

(d) All schools within an approved charter system shall be system charter schools except as otherwise provided in subsection (f) and (g) of this Code section. The local board of an approved charter system shall promulgate policies to ensure that the individual needs of students and schools in the local school system are met.

(e)(1) Subject to appropriations by the General Assembly or other available funding, the state board, after receiving input and recommendations from the Charter Advisory Committee, shall disburse planning grants to local school systems which desire to become charter systems. Such grants will be disbursed in accordance with any applicable guidelines, policies, and requirements established by the state board.

(2) Subject to specific appropriations by the General Assembly for this purpose, the state board shall disburse implementation grants in the amount of \$125,000.00 or such other amount as determined by the state board to each charter system. The state board shall be authorized to approve up to five petitions for charter systems during fiscal year 2008, and may approve up to a maximum number of petitions in following years as may be established pursuant to board rules and as subject to availability of funding for implementation grants.

(f) A system charter school shall not be precluded from petitioning to become a conversion charter school, in accordance with Code Section 20-2-2064, not subject to the terms of the system charter. In the event a system charter school becomes a conversion charter school, the system charter shall be amended to reflect that such school is no longer bound by the system charter.

(g) An existing conversion or start-up charter school within a local school system which is petitioning to become a charter system shall have the option of continuing under its own existing charter, not subject to the terms of the system charter, or of terminating its existing charter, upon agreement by the local board and state board, and becoming subject to the system charter as a charter system school."

SECTION 6.

Said article is further amended by revising Code Section 20-2-2064, relating to approval or denial of petition, as follows:

"20-2-2064.

(a) A charter petitioner seeking to create a conversion charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than 60 days after its submission unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial; and provided, further, that the local board shall not act upon a petition for a conversion charter school until such petition:

(1) Has been freely agreed to, by secret ballot, by a majority of the faculty and instructional staff members of the petitioning local school present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval; and

(2) Has been freely agreed to, by secret ballot, by a majority of parents or guardians of students enrolled in the petitioning local school present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval.

This subsection shall not apply to a system charter school petitioning to be a conversion charter school.

(b) A charter petitioner seeking to create a start-up charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than 60 days after its submission unless the petitioner requests an extension. A denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial.

(c) A system charter school's school council or governing council, as applicable, may petition to become a conversion charter school. The petition shall be submitted to the local board of the charter system in which the school is located. The local board must by a majority vote approve or deny a petition no later than 60 days after its submission

unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial.

~~(e)~~(d) A local board shall approve a petition that complies with the rules, regulations, policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of this title and is in the public interest. If a local board denies a petition, it must within 60 days specifically state the reasons for the denial, list all deficiencies with respect to Code Section 20-2-2063, and provide a written statement of the denial to the charter petitioner and the state board.

~~(d)~~(e) The state board or the Charter Advisory Committee, if directed by the state board to do so, may mediate between the local board and a charter petitioner whose petition was denied to assist in resolving issues which led to denial of the petition by the local board."

SECTION 7.

Said article is further amended by revising Code Section 20-2-2064.1, relating to review of charter by state board, as follows:

"20-2-2064.1.

(a) Prior to approval or denial of a charter petition under this Code section, the state board shall receive and give all due consideration to the recommendation and input from the Charter Advisory Committee established in Code Section 20-2-2063.1.

(b) The state board shall approve the charter of a charter petitioner if the petition has been approved by the local board of the local school system in which the proposed charter school will be located and the state board finds, after receiving input from the Charter Advisory Committee, that the petition complies with the rules, regulations, policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of this title and is in the public interest. If the state board denies a petition, it must within 60 days specifically state the reasons for the denial, list all deficiencies with regard to Code Section 20-2-2063, and provide a written statement of the denial to the charter petitioner and to the local board.

~~(b)~~(c) No application for a state chartered special school may be made to the state board by a petitioner for a conversion charter school that has been denied by a local board. Upon denial of a petition for a start-up charter school by a local board and upon application to the state board by the petitioner, the state board shall approve the charter of a start-up charter petitioner for a state chartered special school if the state board finds, after receiving input from the Charter Advisory Committee, that such petition meets the requirements set forth in Code Section 20-2-2063 and the provisions of this title, and is in the public interest."

SECTION 8.

Said article is further amended by revising Code Section 20-2-2065, relating to operating requirements, control, and management, as follows:

"20-2-2065.

(a) Except as provided in this article or in a charter, a charter school, or for charter systems, each school within the system, shall not be subject to the provisions of this title or any state or local rule, regulation, policy, or procedure relating to schools within an applicable school system regardless of whether such rule, regulation, policy, or procedure is established by the local board, the state board, or the Department of Education; provided, however, that the state board may establish rules, regulations, policies, or procedures consistent with this article relating to charter schools. A waiver granted pursuant to this Code section for a charter system shall apply to each system charter school within the system. In exchange for such a waiver, the charter school agrees to meet or exceed the performance based goals included in the charter and approved by the local board or, for the charter system, the system agrees to meet or exceed the system-wide performance based goals included in the charter and approved by the state board, including but not limited to raising student achievement. For a charter system, the charter shall delineate the performance based goals that the system and each school will be expected to meet as well as the criteria by which a system charter may be revoked in addition to those contained in Code Section 20-2-2068.

(b) In determining whether to approve a charter petition or renew an existing charter, the local board and state board shall ensure that a charter school, or for charter systems, each school within the system, shall be:

- (1) A public, nonsectarian, nonreligious, nonprofit school that is not home based, provided that a charter school's nonprofit status shall not prevent the school from contracting for the services of a for profit entity and that nothing in this Code section shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting;
- (2) Subject to the control and management of the local board of the local school system in which the charter school is located, as provided in the charter and in a manner consistent with the Constitution, if a local charter school;
- (3) Subject to the supervision of the state board, as provided in the charter and in a manner consistent with the Constitution, if a state chartered special school;
- (4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to any charter petitioner that is a local school, local school system, or state or local public entity;
- (5) Subject to all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct;
- (6) Subject to all laws relating to unlawful conduct in or near a public school;
- (7) Subject to an annual financial audit conducted by the state auditor or, if specified in the charter, by an independent certified public accountant licensed in this state;
- (8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter schools whose charters are granted or renewed on or after July 1, 2000;

(9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

(10) Subject to the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133; and

(11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of quiet reflection."

SECTION 9.

Said article is further amended in Code Section 20-2-2066, relating to admission, enrollment, and withdrawal of students, by adding a new subsection as follows:

"(b.1) A charter system shall enroll students in its system charter schools per the terms of the charter and in accordance with state board rules."

SECTION 10.

Said article is further amended by revising Code Section 20-2-2067.1, relating to amendment of terms of charter for charter school, initial term of charter, and annual report, as follows:

"20-2-2067.1.

(a) The terms of a charter for a local charter school may be amended during the term of the charter upon the approval of the local board, the state board, and the charter school. The terms of a charter for a state chartered special school may be amended during the term of the charter upon the approval of the state board and the charter school. The terms of a charter for a charter system may be amended during the term of the charter upon approval of the state board and the local board.

(b) The initial term of a charter shall be for a minimum of five years, unless the petitioner shall request a shorter period of time, and shall not exceed ten years. The local board and the state board, in accordance with Code Section 20-2-2064.1, may renew a local charter, upon the request of the charter school, for the period of time specified in the request, not to exceed ten years. The state board may renew a state chartered special school, upon the request of the school, for the period of time specified in the request, not to exceed ten years. The state board may renew the charter of a charter system, upon the request of the local board, for the period of time specified in the request, not to exceed ten years.

(c) A Each start-up and conversion charter school and each charter system shall submit an annual report outlining the previous year's progress to the authorizing local board or state board, as appropriate; to parents and guardians of students enrolled in the school, or, for a charter system, to parents and guardians of students enrolled in school within the local school system; and to the Department of Education no later than October 1 of each year. The report submitted by a charter system shall include data on all of its system charter schools. The report shall contain, but is not limited to:

(1) An indication of progress toward the goals as included in the charter;

(2) Academic data for the previous year, including state academic accountability data, such as standardized test scores and adequate yearly progress data;

- (3) Unaudited financial statements for the fiscal year ending on June 30, provided that audited statements will be forwarded to the local board and state board upon completion;
- (4) Updated contact information for the school and the administrator, and for charter systems, each system charter school and its respective administrator;
- (5) Proof of current nonprofit status, if applicable; and
- (6) Any other supplemental information that the charter school or charter system chooses to include or that the state board requests that demonstrates ~~its~~ that school or system's success."

SECTION 11.

Said chapter is further amended by revising Code Section 20-2-2068, relating to charter amendments and terminations, as follows:

"20-2-2068.

(a) The state board may terminate a charter under the following circumstances:

- (1)(A) If a majority of the parents or guardians of students enrolled at the charter school vote by a majority vote to request the termination of its charter at a public meeting called with two weeks' advance notice and for the purpose of deciding whether to request the state board to declare the charter null and void; or
- (B) If a majority of the faculty and instructional staff employed at the charter school vote by a majority vote to request the termination of its charter at a public meeting called with two weeks' advance notice and for the purpose of deciding whether to request the state board to declare the charter null and void;

This paragraph shall not apply to system charter schools.

(2) If, after providing reasonable notice to the charter school or charter system, as applicable, and an opportunity for a hearing, the state board finds:

- (A) A failure to comply with any recommendation or direction of the state board with respect to Code Section 20-14-41;
- (B) A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;
- (C) A failure to meet generally accepted standards of fiscal management;
- (D) A violation of applicable federal, state, or local laws or court orders;
- (E) The existence of competent substantial evidence that the continued operation of the charter school or charter system would be contrary to the best interests of the students or the community; or
- (F) A failure to comply with any provision of Code Section 20-2-2065; or

(3) Upon the written request of a local board for termination of a charter for a local charter school located within its school system if, prior to making such request, the local board provided reasonable notice to the charter school and an opportunity for a hearing, and determined the existence of any of the grounds described in paragraph (2) of this Code section.

(b) For a system charter school, if the school council or governing council, as applicable, at such school within the charter system requests that:

- (1) The system charter be terminated; or
- (2) The system charter be amended with respect to such system charter school;
the state board, after providing reasonable notice to the charter system and the system
charter school, shall conduct a hearing. Based on the findings of the hearing, the state
board may enter into negotiations with the charter system to amend the charter to
address the concerns of the requesting system charter school. If negotiations fail and
the state board finds good cause, the state board shall be authorized to terminate the
system charter or to amend the system charter with respect to the requesting system
charter school; provided, however, that the local board shall be authorized to terminate
the system charter if it is unwilling to accept the amendments to such charter by the
state board. 'Good cause' includes but is not limited to a local board's failure to comply
with its obligations and duties under the system charter, state board rules, or other
applicable law, or other good cause as determined in the sole discretion of the state
board."

SECTION 12.

Said chapter is further amended in Code Section 20-2-2068.1, relating to application of the Quality Basic Education Formula, grants, local tax revenue, and funds from local bonds, by revising subsections (a), (b), and (c) as follows:

"(a) A local charter school and a system charter school shall be included in the allotment of QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and applicable federal grants to the local school system in which the local charter school or system charter school is located under Article 6 of this chapter. The local board and the state board shall treat a conversion charter school and a system charter school no less favorably than other local schools located within the applicable local school system unless otherwise provided by law. The local board and the state board shall treat a start-up charter school no less favorably than other local schools within the applicable local system with respect to the provision of funds for instruction, ~~and school administration, and, where feasible,~~ transportation, food services, and, ~~where feasible,~~ building programs.

(b) QBE formula earnings, applicable QBE grants, applicable nonQBE state grants, and applicable federal grants earned by a local charter school or system charter school shall be distributed to the local charter school or system charter school by the local board; provided, however, that state equalization grant earnings shall be distributed as provided in subsection (c) of this Code section. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development. The local charter school and system charter school shall report enrolled students in a manner consistent with Code Section 20-2-160.

(c) In addition to the earnings set out in subsection (b) of this Code section, local revenue shall be allocated to a local charter school or system charter school on the same

basis as for any local school in the local school system. In the case of a start-up charter school or system charter school, local revenue earnings shall be calculated as follows:

- (1) Determine the total amount of state and local five mill share funds earned by students enrolled in the local start-up charter school or system charter school as calculated by the Quality Basic Education Formula pursuant to Part 4 of Article 6 of this chapter including any funds for psychologists and school social workers but excluding five percent of any system-wide funds for central administration ~~and pupil transportation~~ and excluding any categorical grants not applicable to the charter school;
- (2) Determine the total amount of state and local five mill share funds earned by all students in the public schools of the local school system, including any charter schools that receive local revenue, as calculated by the Quality Basic Education Formula but excluding categorical grants and other nonQBE formula grants;
- (3) Divide the amount obtained in paragraph (1) of this subsection by the amount obtained in paragraph (2) of this subsection; and
- (4) Multiply the quotient obtained in paragraph (3) of this subsection by the school system's local revenue.

The product obtained in paragraph (4) of this subsection shall be the amount of local funds to be distributed to the local start-up charter school or system charter school by the local board; provided, however, that nothing in this subsection shall preclude a charter petitioner and a local board of education from specifying in the charter a greater amount of local funds to be provided by the local board to the local start-up charter school or system charter school if agreed upon by all parties to the charter. Local funds so earned shall be distributed to the local start-up charter school or system charter school by the local board. Where feasible and where services are provided, funds for ~~transportation, food service programs, and~~ construction projects shall also be distributed to the local start-up charter school as earned. In all other fiscal matters, including applicable federal allotments, the local board shall treat the local start-up charter school or system charter school no less favorably than other local schools located within the applicable school system and shall calculate and distribute the funding for the start-up charter school or system charter school on the basis of its actual or projected enrollment in the current school year according to an enrollment counting procedure or projection method stipulated in the terms of the charter."

SECTION 13.

Said chapter is further amended in Code Section 20-2-2068.2, relating to facilities fund for charter schools, purposes for which funds may be used, upkeep of charter school property, and receipt of surplus from board of education, by revising subsections (a) and (h) as follows:

"(a) From moneys specifically appropriated for such purpose, the state board shall create a facilities fund for local charter schools, ~~and~~ state chartered special schools, and system charter schools for the purpose of establishing a per pupil, need based facilities aid program."

"(h) Each local board of education that has designated any facility or property as surplus, intended for disposal, or otherwise unused shall make such facility or property available for lease or purchase by a local charter school or a system charter school on the same basis as it makes such facility or property available to other public schools under the control and management of the local board of education. A conversion charter school or system charter school may not be charged a rental or leasing fee for the existing facility or for property normally used by the public school which became the conversion charter school. A local charter school or a system charter school that receives property from a local board may not sell or dispose of such property without the written permission of the local board."

SECTION 14.

Said chapter is further amended by revising Code Section 20-2-2069, relating to the Office of Charter School Compliance, as follows:

"20-2-2069.

There is established within the Department of Education an Office of Charter School Compliance, the responsibilities of which shall be to:

- (1) Prepare charter school and charter system guidelines to be approved by the state board;
- (2) Distribute charter school and charter system petition information to inquiring parties;
- (3) Process all charter school and charter system petitions and coordinate with the Charter Advisory Committee established pursuant to Code Section 20-2-2063.1 to facilitate its review and recommendations to the state board ~~for consideration by the state board~~;
- (4) Administer any state or federal charter school implementation grant program;
- (5) Contract with an independent party to evaluate the performance of charter schools and charter systems, as such performance relates to fulfilling the terms of their charters; and
- (6) Compile information necessary to produce the annual report required by Code Section 20-2-2070."

SECTION 15.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 42, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
N Fort	Y Murphy	Y Thompson,S
E Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	N Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 53, nays 2.

SB 39, having received the requisite constitutional majority, was passed by substitute.

The following communication was received by the Secretary:

Senator Lee Hawkins
District 49
304-A Coverdell Legislative Office Building
Atlanta, GA 30334

Committees:

Reapportionment and Redistricting
Agriculture and Consumer Affairs
Health and Human Services
Natural Resources and the Environment
State and Local Governmental Operations

The State Senate
Atlanta, Georgia 30334

February 1, 2007

Mr. Bob Ewing
Secretary of the Senate
State Capitol
Atlanta, Georgia 30334

Dear Bob:

This is to request that you remove my name as third signer of SB 93.

Thank you very much for your attention to this matter.

Sincerely yours,

/s/ Lee Hawkins
State Senator

Senator Williams of the 19th moved that the Senate stand adjourned pursuant to SR 126 until 10:00 a.m. Thursday, February 8, 2007; the motion prevailed, and at 10:54 a.m. the President announced the Senate adjourned.